

REMARKS

Reconsideration of this application is respectfully requested.

Independent claim 1 has been amended to specify the perimeter support means as disposed about and defining the perimeter of the apparatus. The purpose of such addition to the claim is to help refute the Examiner's definition of "perimeter."

It is respectfully submitted that the logic of the Examiner is erroneous in the definition of "perimeter." As a matter of fact, it would appear more nearly logical to define the "perimeter support means" of Whitfield '421 as being the upper portions of the side plates 3 and the corner posts 2. At least then the entire perimeter of the Whitfield apparatus would be involved, not just the four corner posts. And then the lower portion of the side plates, the lower portion of the four corner posts, and the bottom piece could be considered the "liner means." However, it is respectfully submitted that such "logic" is in fact anything but logical.

Moreover, it would surely seem that a patent on which a § 102 rejection is based should in some way resemble the apparatus being rejected. The Whitfield '421 structure does not in any way resemble the apparatus claimed herein.

Note that the present claims have two specific structural elements in the perimeter support means and in the liner means. What the Examiner calls the perimeter support means of Whitfield are four corner posts. Then what the Examiner calls the liner means are portions of the side plates of Whitfield. There is no way that four corner posts may

be considered as perimeter elements. There is no definition of which I am aware that equates four spaced apart elements as being the equivalent of a perimeter! But to insure that the term "perimeter" is very clear, independent claim 1 has been amended herein.

The same comments as above stated may be also applied to the § 102 rejection based on the Jordan '252 patent. Again, one would expect that the Jordan structure should at least resemble the present structure. Again - there is no resemblance whatsoever.

The Jordan '252 structure is a cast concrete home upflow filter system, designed for a home sewage system. The Jordan container has four exterior walls, an inner L-shaped wall, and a bottom, all of which are integral with each other. There is no separate structure which may be considered as the equivalent to the present perimeter support means and then liner means. The Jordan structure has many different elements involved as the sewage from a home flows into the container and down through a central L-shaped wall to the bottom filter chambers 75 on either side of the central L-shaped wall. From the bottom filtering chambers the liquid waste flows gradually upwardly through a filtering grate and eventually over weirs on the L-shaped central wall and outwardly from the apparatus.

There is a cast concrete cover 90 for the cast concrete container, and centrally located on the cover is an access riser 92. The access riser 92 has a riser cap 94. An

alternate embodiment includes an extension riser between the container and the cover.

Another embodiment shows a grating for the access riser.

What the Examiner has defined as the "perimeter support means" of Jordan is the access riser 92. It is respectfully submitted that the access riser is not the equivalent of the perimeter support structure of the present invention. Moreover, the riser cover 94 is not the equivalent of the "roof means" of the present invention.

Now- would anyone logically look at the Jordan structure and come up with the present structure? Of course not! One cannot simply take a few elements from a complicated structure and say that another structure is the equivalent! Certainly not the present structure and the Jordan structure! It is respectfully submitted that the logic of the Examiner is flawed in equating the Jordan structure with the present invention under both § 102 and § 103.

A very obvious reason for the differences between the present structure and the Jordan structure: Jordan is part of a home sewage system, while the present invention is a water retention apparatus for property being developed, such as a shopping center. The two purposes are completely different. One would logically expect them to be different.

The Examiner's comments regarding the rejection of claims 13, 14, and 15 are not understood. Fig. 2 of Jordan is cited. Figure 2 is an end view taken along line 2 - 2 of Fig. 1. The only side walls shown are the exterior walls which are cast concrete. The walls are continuous; they do not include the portions defined by claim 13, unless the

ledge which supports the grating of Jordan is considered. Again, that structure is completely different from the present structure.

For claims 14 and 15, there is nothing vaguely comparable in Jordan which may be considered as an upper side wall portion having a relatively shallow angle and then a lower side wall portion which has a relatively steep angle.

The Examiner cites the top cover 90 and the access riser 92 as stepped walls in the rejection of claim 22. It is again respectfully submitted that such comparison or equivalency is improper. The stepped retaining wall of the present invention is shown clearly in Fig. 12. The access riser 92 and the top cover 90 are very dissimilar to the stepped walls of Fig. 12. There is no proper equivalency between the stepped walls of Fig. 12 and the top cover 90 and the access riser 92 of Jordan!

The Bohnhoff '718 patent has been cited in conjunction with the Jordan structure for the rejection of claim 4 under § 103(a). Bohnhoff is cited for its showing of a pump in conjunction with an underground water storage system. Since Jordan comprises a home sewage system, would it be logical to use a pump to pump effluent from a filter apparatus? Most emphatically NO! The purpose of a home sewage system is to let bacteria dissolve the solids and purify the liquid and then let the resulting liquid flow naturally upwardly from the filter portions and then outwardly from the container. The employment of a pump would defeat such purpose in a well designed system.

However, it is respectfully submitted that the issue of the Bohnhoff patent is moot because of the allowability of independent claim 1, as set forth above.

The allowability of claims 3, 5-12, and 23 - 26 is noted.

The allowance of claims 27 - 30 is also noted.

For the reasons set forth above, it is respectfully submitted that claims 1 - 2, 4, and 13 - 22 are also allowable as defining over the cited art.

A Notice of Allowance is respectfully urged.

Respectfully submitted,

JEFFREY J. NORMAN, Applicant

By H. Gordon Shields
H. Gordon Shields,
Attorney of Record

HGS:jg
Phoenix, Arizona
(602) 997-4979